

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEWEL SHEPARD,

Plaintiff,

vs.

BANK OF AMERICA, N.A. et al.,

Defendants.

3:16-cv-00051-RCJ-WGC

ORDER

This case arises out of a foreclosure or impending foreclosure of real property located at 2190 Marsh Ave., Reno, Nevada, 89509 (the “Property”). Plaintiff Jewel Shepard sued Defendants Bayview Loan Servicing, LLC (“Bayview”), Sables, LLC, Bank of America, N.A. (“BOA”), Recontrust Co., Les Zieve, and Countrywide Home Loans, Inc. (“Countrywide”) in state court. Defendants removed. BOA, Countrywide, and Recontrust have moved to dismiss based on claim preclusion, and the remaining Defendants have joined the motion.

Defendants note that Plaintiff filed a similar action in 2013. (*See* No. 3:13-cv-698). In that case, Plaintiff sued BOA, Countrywide, Recontrust, and others, but not Sables, Zieve, or Bayview. The Court dismissed that case with prejudice upon stipulation of the parties based on a settlement agreement (the “SA”) that irrevocably discharged claims that had been or could have

1 been brought. (*See* SA § 1(F), submitted *in camera*). The Court therefore grants the motion to
2 dismiss.

3 The Court will not dismiss against Sables, Zieve, or Bayview based on claim preclusion.
4 Those parties were not party to the previous action or the SA. They have, however, also asked
5 the Court to dismiss for failure to state a claim, and Plaintiff has not timely responded to the
6 present motion. *See* Local R. 7-2(d).

7 **CONCLUSION**

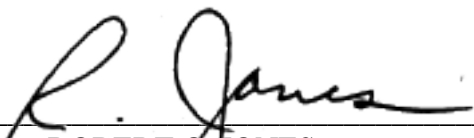
8 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 8) and the Joinder
9 (ECF No. 10) thereto are GRANTED.

10 IT IS FURTHER ORDERED that the Motion for Default Judgment (ECF No. 12) is
11 DENIED.

12 IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

13 IT IS SO ORDERED.

14 DATED: March 30, 2016.

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17 ROBERT C. JONES
United States District Judge
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